

## **KENTUCKY PUBLIC ASSISTANCE PROGRAM DEBRIS REMOVAL FACT SHEET FOR LOCAL GOVERNMENTS**

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Under the Presidential disaster declaration for Kentucky, the Federal Emergency Management Agency (FEMA) may provide assistance to State and local governments for costs associated with debris removal operations. (Debris removal operations include collection, pick-up, hauling, and disposal at a temporary site, segregation, reduction, and final disposal.) This funding is available under the Public Assistance Program. This document provides guidance regarding the eligibility of debris removal operations for Public Assistance funding.

**Questions:** Questions regarding debris operations or the Public Assistance Program or in general should be referred to Jessica Mitchell, Recovery Branch Manager at 502-607-5762

**General Work Eligibility:** Removal and disposal of debris that is a result of the disaster, and is on public property, is eligible for Federal assistance. Public property includes road, streets, and publicly owned facilities. Removal of debris from parks and recreation areas is eligible when it affects public health and safety, or limits the use of those facilities.

**Debris Removal from Private Property:** Disaster related debris may be removed from private property if it is pre-approved by the Federal Disaster Recovery Manager, is a health and safety hazard, and the work is performed by an eligible applicant, such as a municipal or county government. Removal of debris by private individuals is not eligible for Federal reimbursement; however, debris may be moved to the curbside for pick-up by an eligible applicant.

**Eligible Costs:** If an applicant uses force-account personnel and equipment, the cost of the equipment and overtime costs for personnel are eligible for Federal funding. If an applicant chooses to award a contract(s) for debris operations, the costs of the contracts also are eligible for Federal funding. **Applicants should exercise judicious care in contracting for debris operations, since by law, FEMA is authorized only to assist with reasonable costs.** Reasonable costs are those, which are fair and equitable for the type of work performed.

**Use of Contractors:** If an applicant decides to award contracts for debris removal, FEMA advises the following:

- Utilize pre-negotiated contracts if available.
- Give preference to local contractors over out-of-town contractors.
- Obtain informal bids (such as by telephone) from several contractors, if time does not permit use of formal competitive procedures.
- Utilize formal competitive procedures when time permits.
- If the contractor is not known, request copies of references, licenses, and financial records.
- Document Procedures used to obtain contractors.

There are various types of contracts that may be used for debris operations. Understanding differences in the types will reduce potential problems.

**Time and Materials Contracts:** Time and material contracts may be used for short periods of time immediately after the disaster to mobilize contractors for emergency removal efforts. They must have a dollar ceiling or a not-to-exceed limit for hours (or both), and should be terminated immediately when the limit is reached. Such contracts should state that:

- Price for equipment applies only when equipment is operating.
- Hourly rate includes operator, fuel, maintenance, and repair.
- The community reserves the right to terminate the contract at its convenience.
- The community does not guarantee a minimum number of hours.

**Unit Price Contracts:** Unit price should be based on weight (tons) or volume (cubic yards) of debris hauled, and should be used when the scope-of-work is not well defined. It requires detailed monitoring of pick-up, hauling, and dumping to ensure that quantities are accurate. Unit price contracts may be complicated by the need to segregate debris for disposal.

**Lump Sum Contracts:** This type of contract establishes the total contract price using a one-item bid from the contractor. It is used when the scope of work is clearly defined, with areas of work and quantities of material clearly identified. Lump-sum contracts can be defined in one of two ways:

- Area Method: The scope of work is based on one-time clearance of a specified area. Controls are necessary to ensure that additional material is not brought into the area.
- Pass Method: The scope of work is based on a certain number of passes through a specified area as given distance along a right-of-way. The contract should specify how the debris is to be sorted, identify specific roads and streets to be covered, the time intervals between passes, and the required time frame for complete a pass.

**Ineligible Contracts:** FEMA will not provide assistance for two types of contracts: cost-plus-percentage of cost contracts, or contract contingent upon State or Federal disaster assistance funding.

**Monitoring:** Formal monitoring of contractor activities is necessary to ensure satisfactory performance. Monitoring includes the following:

- Verification that all debris picked-up is a direct result of the disaster.
- Truck-by-truck inspection to ensure the trucks are fully loaded.
- On-site monitoring of pick-up areas, temporary sites, and disposal areas.
- Verification that the contractor is working in its assigned contract areas.
- Access control and security of all debris reduction and disposal sites.

If an applicant has insufficient staff to properly monitor debris contract operations, the cost of hiring of additional staff for monitoring (or contracting for monitoring) is eligible for Federal funding.

**Documentation:** To ensure that the process of Federal funding is done as quickly as possible, applicants should keep the following information: debris estimates, procurement information (bid requests, bid tabulations, etc.), contracts, invoices, and monitoring information (load tickets, scale records). If an applicant does debris removal, the payroll and equipment hours must be kept.